

# EXHIBIT G

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
EDMUND BRYAN,

Plaintiff,

-against-

No. 07 Civ. 7300 (SHS)

ECF Case

MEMORIAL SLOAN-KETTERING CANCER  
CENTER,

Defendant.  
-----x

April 24, 2008  
1:55 P.M.

Deposition of Defendant, by

MIGUEL RUIZ, taken by Plaintiff, pursuant to

Notice, at the offices of The Scott Firm, 55

Washington Street, Suite 705, Brooklyn, New

York 11201, before Charisse Romeo, a Shorthand

Reporter and Notary Public within and for the

State of New York.

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1  
2 APPEARANCES:

## 3 THE SCOTT FIRM

4 Attorneys for Plaintiff  
5 55 Washington Street, Suite 705  
6 Brooklyn, New York 11201

7 BY: A. BARAKA SCOTT, ESQ.

## 8 McDERMOTT, WILL &amp; EMERY, LLP

9 Attorneys for Defendant  
10 340 Madison Avenue  
11 New York, New York 10173

12 BY: KATHERINE D. KALE, ESQ.

## 13 ALSO PRESENT:

14 PAMELA DUDLEY  
15 Memorial Sloan-Kettering Center  
16 Human Resources Representative  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 M. Ruiz

2 MIGUEL RUIZ,

3 having been first duly sworn by the  
4 Notary Public (Charisse Romeo), was  
5 examined and testified as follows:

## 6 EXAMINATION BY MR. SCOTT:

7 Q. Would you state your name for the  
8 record?

9 A. Miguel Ruiz.

10 Q. What is your address?

11 A. Business address is 1275 York  
12 Avenue, New York, New York.13 Q. Good afternoon, Mr. Ruiz. My  
14 name is Armani Scott. I represent Edmund  
15 Bryan in a case captioned Edmund Bryan versus  
16 Memorial Sloan-Kettering Cancer Center.17 You are appearing today pursuant  
18 to a notice of deposition?

19 A. Excuse me?

20 Q. You are appearing here today  
21 pursuant to a notice of deposition?

22 A. Yes.

23 Q. I'm just going to lay down some  
24 ground rules.

25 I'm going to ask you some

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1  
2 IT IS HEREBY STIPULATED AND AGREED by  
3 and between the attorneys for the respective  
4 parties herein that the sealing, filing and  
5 certification of the within deposition be waived;  
6 that such deposition may be signed and sworn to  
7 before any officer authorized to administer an  
8 oath, with the same force and effect as if signed  
9 and sworn to before a judge of this court.10 IT IS FURTHER STIPULATED AND AGREED  
11 that all objections, except as to the form, are  
12 reserved to the time of the trial.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 M. Ruiz

2 questions. As you can see, the court reporter  
3 is taking down everything that is being said.  
4 I would like you to wait for me to complete my  
5 question before you answer.6 In the event that I phrase a  
7 question or a sentence in an inartful way, you  
8 let me know and I will try to rephrase it so  
9 you can understand it and we can move it  
10 along. If you don't know an answer to a  
11 question, feel free to say I don't know. I  
12 don't want you to guess on anything and we  
13 will move this along, okay?

14 A. Okay.

15 Q. Mr. Ruiz, by whom are you  
16 employed?

17 A. Memorial Sloan-Kettering.

18 Q. And for how long have you been  
19 employed by them?

20 A. July will be two years.

21 Q. July of 2008 will make two years?

22 A. Yes, I have been an employee  
23 since 2006.

24 Q. And what is your job title there?

25 A. I'm a lead tech, central services

Page 6

1 M. Ruiz  
 2 lead tech.  
 3 Q. And for how long have you had  
 4 that job title with Memorial?  
 5 A. Since the day hired.  
 6 Q. So since the date you were hired  
 7 there?  
 8 A. At that hospital. Prior to that  
 9 hospital, I came from NYU Medical Center.  
 10 Q. Okay. My question is, for the  
 11 entire time that you were at Memorial  
 12 Sloan-Kettering, your job title was?  
 13 A. Lead tech.  
 14 Q. Lead tech, okay.  
 15 A. I was hired as -- for a lead  
 16 tech.  
 17 Q. You said prior to coming to  
 18 Memorial, where were you working?  
 19 A. NYU Medical Center.  
 20 Q. What was your job title there?  
 21 A. I started off as a receptacle  
 22 services technician and then I worked my way  
 23 up to lead tech and supervisor.  
 24 Q. Okay. And how long were you over  
 25 at NYU?

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1 M. Ruiz  
 2 A. Twenty-two years.  
 3 Q. And just briefly, could you just  
 4 state what your educational background is,  
 5 your education?  
 6 A. High school diploma.  
 7 Q. What are the job responsibilities  
 8 of a lead tech at Memorial?  
 9 A. We cover -- I cover when the  
 10 supervisor is either on vacation, sick or off.  
 11 Q. When you say you "cover," what do  
 12 you mean by that?  
 13 A. Well, I take charge. I am in  
 14 charge of the department, of the staff.  
 15 Q. And any other job  
 16 responsibilities as a lead tech?  
 17 A. Yes. Many.  
 18 Q. And the question is, what are  
 19 they, sir? Educate me, please.  
 20 A. Well, we, we train new employees,  
 21 we, I -- if they have any questions regarding  
 22 the job or anything that they need to know  
 23 about the job, I show them.  
 24 Q. And when you say that you train  
 25 new employees, could you be a little bit more

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1 M. Ruiz  
 2 specific? In what ways do you train them,  
 3 what do you show them to do, what do you show  
 4 them how to do?  
 5 A. Certain assignments in each area  
 6 they are assigned to do, we will train them.  
 7 We'll train them.  
 8 Q. Give me a garden variety  
 9 assignment, what kind of assignment would a  
 10 lead technician train someone in doing?  
 11 A. I don't understand. I don't  
 12 understand the question.  
 13 Q. Would they train them on how to  
 14 package some sort of medical items?  
 15 A. We train them in -- okay, like I  
 16 said, it depends on the assignment that they  
 17 have. If they first start in, let's say,  
 18 decontamination area, we show them what type  
 19 of chemicals, how to handle machineries in  
 20 contaminated areas and certain stuff like  
 21 that. I mean -- and then that's one  
 22 assignment.  
 23 Prep and pack area, that is the  
 24 area which we assemble the instruments, once  
 25 they come out of the decontam area and then we

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1 M. Ruiz  
 2 assemble the instruments there. We show them  
 3 how -- well, that part there takes a long  
 4 period to learn because you have to learn all  
 5 the instruments and we have quite a few  
 6 instruments to learn.  
 7 Q. How many instruments?  
 8 A. Thousands.  
 9 Q. Thousands of instruments?  
 10 A. Uh-huh.  
 11 Q. Okay. Continue, please. What  
 12 other types of training?  
 13 A. So we train them there. We show  
 14 them how -- the names of the instruments, how  
 15 to package them in a container, sterile  
 16 container. And from there we also train them  
 17 in the sterilization area where after the  
 18 package is wrapped, it goes into a sterilizer  
 19 to be cooked.  
 20 Q. All right.  
 21 A. That is another assignment there.  
 22 We also have a custom area where we highly  
 23 disinfect scopes and bronchoscopes,  
 24 colonoscopy scopes. We also have a case cart  
 25 room area which we pick cases for the OR. The

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1 M. Ruiz  
 2 hired you?  
 3 A. He hired me, yes.  
 4 Q. Did he hire you on the spot?  
 5 A. Yes, it took me about a week,  
 6 like a week or so, like two weeks before I  
 7 started, before I got hired.  
 8 Q. Okay. My question is did he hire  
 9 you on the spot and you said yes, it took me  
 10 about a week or two before I got hired. Can  
 11 you clarify that, what you mean by that?  
 12 A. Okay, he hired me, he told me how  
 13 soon I can start. So I told him in about a  
 14 two weeks, because I wanted like a  
 15 minivacation before I started because I was at  
 16 the other job and I just didn't want to start  
 17 right away without having a small break for  
 18 myself.  
 19 Q. Just so we're clear, at the end  
 20 of that one-hour interview with John Meggs,  
 21 you were hired for the position of lead tech  
 22 by him, correct?  
 23 A. Uh-huh.  
 24 Q. Okay. And why were you leaving  
 25 your job at NYU?

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1 M. Ruiz  
 2 A. Cause I had gotten promoted to  
 3 supervisor at NYU and I held that position for  
 4 two years and I started -- and I was not  
 5 getting along with their managing there and I  
 6 decided to leave.  
 7 Q. During your interview with John  
 8 Meggs, did he ask why you were leaving NYU?  
 9 A. Yes.  
 10 Q. And what did you tell him?  
 11 A. The same thing I just told you.  
 12 Q. Okay. And did you go into any  
 13 more details with John Meggs in regard to what  
 14 the nature of the problem was with you and  
 15 management over at NYU?  
 16 A. Yeah, I told him.  
 17 Q. Could you tell us now?  
 18 A. I told him I wasn't getting along  
 19 with the management there and I was getting  
 20 stressed out and I wanted to leave.  
 21 Q. When you say you weren't getting  
 22 along with the management, can you be a little  
 23 more specific? What was happening there that  
 24 you weren't getting along with management?  
 25 A. Well, she was just being too

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1 M. Ruiz  
 2 demanding, too much, it was, you know, too  
 3 much reports of the department and stuff like  
 4 that.  
 5 Q. When you say "too much reports of  
 6 the department," what do you mean, she was  
 7 requiring you to do too many reports?  
 8 A. Yes.  
 9 Q. And you told this to John  
 10 Meggs --  
 11 A. Yes.  
 12 Q. -- specifically?  
 13 A. Uh-huh.  
 14 Q. I mean, you have to say yes.  
 15 A. Yes, yes, yes.  
 16 Q. It's all right. Don't worry  
 17 about it.  
 18 Mr. Ruiz, who is Rupert Gillette?  
 19 A. He is the night supervisor.  
 20 Q. Okay.  
 21 A. Night shift supervisor.  
 22 Q. In the hierarchy at Memorial, do  
 23 you work under him or does he work under you?  
 24 A. I work under him.  
 25 Q. Did you know Rupert Gillette

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1 M. Ruiz  
 2 prior to coming to work at Memorial  
 3 Sloan-Kettering?  
 4 A. No, sir.  
 5 Q. First time you met him was  
 6 arriving to work as lead technician for  
 7 Memorial?  
 8 A. That's correct.  
 9 Q. Were there ever occasions when  
 10 Rupert Gillette would send you to Edmund Bryan  
 11 or for Edmund Bryan to tell you about certain  
 12 instruments in the department?  
 13 A. Can you rephrase that question?  
 14 Q. Yes.  
 15 Did Rupert Gillette ever send you  
 16 over to Edmund Bryan to get information about  
 17 instruments in the department?  
 18 A. No, not that I recall, no.  
 19 Q. Do you ever recall Rupert  
 20 Gillette instructing Edmund Bryan to train you  
 21 about the use of certain instruments in the  
 22 department?  
 23 A. No.  
 24 Q. That never occurred?  
 25 A. No.



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1 M. Ruiz  
 2 Q. He is a vendor and he services  
 3 machines.  
 4 A. Right.  
 5 Q. Does he engage in joking?  
 6 A. No, not -- I'm not aware --  
 7 Q. I'm sorry, I shouldn't have cut  
 8 you off.  
 9 A. I am not aware of Kevin.  
 10 Q. What about Kevin Walrond; does he  
 11 engage in the joking that takes place?  
 12 A. Well, he is no longer there in  
 13 the department, but I recall a few times, yes.  
 14 Q. Did Edmund Bryan engage in the  
 15 joking?  
 16 A. Who, Ed?  
 17 Q. Edmund Bryan?  
 18 A. He doesn't speak at all.  
 19 Q. When you say "he doesn't speak at  
 20 all," what do you mean?  
 21 A. He is always to himself. He  
 22 stays to himself. He don't participate with  
 23 nobody. He just into himself, into his own  
 24 world. I mean, I've tried to talk to the guy  
 25 or get along with him but he just -- if it is

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1 M. Ruiz  
 2 not work-related, he just don't want to hear  
 3 it.  
 4 Q. Is that a bad thing?  
 5 A. No, I'm not saying it is a bad  
 6 thing, but you should get along with your  
 7 staff, right?  
 8 Q. When you say don't get along,  
 9 does he pick fights with people on the job?  
 10 A. Well, he's always with, you know,  
 11 like an attitude. He will always have like an  
 12 attitude.  
 13 Q. Can you be more specific?  
 14 A. He is always like moody.  
 15 Q. Could you be a little more  
 16 specific?  
 17 A. I say sometimes he's like moody,  
 18 like that he will like throw things around  
 19 and, you know, he just don't talk to anybody.  
 20 Q. When you say he throws things  
 21 around --  
 22 A. Yes, instruments -- I don't mean  
 23 throw it around, but like make loud noises  
 24 with them.  
 25 Q. He slams instruments down?

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1 M. Ruiz  
 2 A. Yes.  
 3 Q. And you witnessed this?  
 4 A. I witnessed one time we had an  
 5 in-service on some videos and, you know, we  
 6 work nights and people start getting drowsy a  
 7 little after watching videos after working all  
 8 night. He takes a basin, one of those mail  
 9 basins and slams it real hard on the floor and  
 10 people got upset because of that because it  
 11 made them jump up to the ceiling almost and  
 12 that wasn't funny at all. I was part of that,  
 13 that jumped up in the air because he was  
 14 behind me and he slammed right behind me real  
 15 hard, and I jumped.  
 16 Q. And this was a basin?  
 17 A. Yes, a basin.  
 18 Q. A plastic basin?  
 19 A. No, a metal basin.  
 20 Q. Were any instruments, tools in  
 21 this basin?  
 22 A. No.  
 23 Q. Is it possible the basin dropped?  
 24 A. No.  
 25 Q. How do you know that it didn't

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1 M. Ruiz  
 2 just drop?  
 3 MS. KALE: Objection.  
 4 A. Because the staff saw him throw  
 5 the basin on the floor.  
 6 Q. Did you see him drop the basin on  
 7 the floor?  
 8 A. No, I was behind him.  
 9 Q. You mean he was behind you?  
 10 A. He was behind me, yes.  
 11 Q. Any other times when he was  
 12 throwing things around on the job?  
 13 A. That I recall, I mean, he didn't  
 14 throw anything like he did with the basin, but  
 15 he slams the trays on the tables at time. I  
 16 don't know, the trays he is going to assemble,  
 17 he slams them on the table.  
 18 Q. Would that affect the job that  
 19 he's doing, if he was being rough with the  
 20 instruments like that?  
 21 A. Yes, it could damage. There are  
 22 delicate instruments on those trays, it could  
 23 get damaged.  
 24 Q. Did you ever counsel him on that?  
 25 A. No.

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1 M. Ruiz  
 2 Q. Did you ever speak to Rupert  
 3 Gillette to counsel him on that?  
 4 A. No, I believe I mentioned it to  
 5 him, but I don't know if he had any  
 6 counseling.  
 7 Q. Did you speak to him that if you  
 8 were so rough with these instruments, you may  
 9 damage them?  
 10 A. Yes.  
 11 Q. You believe you spoke to Rupert  
 12 about that?  
 13 A. Yes.  
 14 Q. Do you know if Rupert spoke to  
 15 him about that?  
 16 A. No, I don't recall.  
 17 Q. And this slamming, is this  
 18 something that goes on every day, is this a  
 19 once-a-week kind of thing, a once-a-month kind  
 20 of thing?  
 21 A. Maybe once a week or something  
 22 like that.  
 23 Q. Anything else? You said you  
 24 attempted to engage Mr. Bryan in conversation,  
 25 correct?

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1 M. Ruiz  
 2 A. Yes.  
 3 Q. And you said he says all he wants  
 4 to do is talk about work?  
 5 A. I didn't say he said that. I am  
 6 saying he is not a conversation person, you  
 7 know, that like to speak. He just stays to  
 8 himself, like he is in his own world, don't  
 9 want part of nobody.  
 10 Q. Okay.  
 11 A. There are times that the staff  
 12 thinks that he might lose, lose it and start  
 13 killing everybody in the department. Did you  
 14 understand what I said?  
 15 Q. Yes, I would like you to repeat  
 16 that. I would like you to explain what you  
 17 just said.  
 18 A. What?  
 19 Q. I would like you to explain what  
 20 you just said.  
 21 A. Well, the staff have concern  
 22 about themselves going to work every night and  
 23 wondering if this guy is going to snap and  
 24 start killing everybody in the department.  
 25 Q. Are you worried about that?

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1 M. Ruiz  
 2 A. Well, he look like the type of  
 3 person, the way he acts, the way he reacts,  
 4 you never know, crazy world.  
 5 Q. On the occasion when you would  
 6 attempt to engage him in conversation, what  
 7 kind of stuff would you bring up to him, what  
 8 would you say?  
 9 A. Nothing, I would -- sometimes I  
 10 would go up to him and say hello and then he  
 11 just stays quiet, like greet him and he just  
 12 don't -- don't say nothing and I just move on,  
 13 move on.  
 14 Q. Have you ever heard other people  
 15 on the job make comments on the job about  
 16 being worried that Edmund Bryan is going to go  
 17 crazy and kill everybody there?  
 18 A. There's been comments said, yeah.  
 19 Q. You've heard other people say  
 20 this?  
 21 A. Yes, the rest, most of the staff,  
 22 yes.  
 23 Q. Most of the staff. Can we get a  
 24 list of names of the people that say this?  
 25 A. That are worried about him?

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1 M. Ruiz  
 2 Q. That are worried or that said  
 3 this, sure.  
 4 A. Efrain --  
 5 THE WITNESS: Do I have to  
 6 answer?  
 7 MS. KALE: Yes.  
 8 A. Efrain Perez, Isaac Dunko. What  
 9 is that guy's name, um, Edwin. I forgot, I  
 10 don't know his last name. I know it is Edwin.  
 11 Borel, Borel. There are one or two other  
 12 more, but I don't recall their names right  
 13 now.  
 14 Q. And did this conversation all  
 15 occur at one time or these are different  
 16 occasions, different statements by these  
 17 different people?  
 18 A. I don't recall. I don't recall.  
 19 Q. You don't recall whether this all  
 20 occurred at one time or whether you heard it  
 21 from different people at different times?  
 22 A. Yes.  
 23 Q. Okay. Was Rupert Gillette  
 24 present at any of these conversations?  
 25 A. Of what kind of?

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1 M. Ruiz  
 2 Q. Conversations about Mr. Bryan and  
 3 whether or not he would kill everybody on the  
 4 job?  
 5 A. Well, they approached him and  
 6 told him about it, about the -- about them  
 7 being worried.  
 8 Q. Okay.  
 9 A. They approached Rupert Gillette.  
 10 Q. And when did this occur?  
 11 A. When did this occur? About two,  
 12 three weeks ago or maybe more.  
 13 Q. Were you present when this  
 14 occurred?  
 15 A. When what occurred?  
 16 Q. When they approached, this "they"  
 17 that you are referring to when they approached  
 18 Rupert Gillette about their concerns about  
 19 Edmund Bryan.  
 20 A. No, I wasn't there.  
 21 Q. How do you know?  
 22 A. Because I was told by Rupert  
 23 Gillette himself, and some of the staff has  
 24 spoken to me about it, too.  
 25 Q. What did Rupert Gillette tell

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1 M. Ruiz  
 2 you?  
 3 A. Well, he's concerned too and that  
 4 he's going to take further actions.  
 5 Q. He told you that he was concerned  
 6 and he's going to take further actions?  
 7 A. Yes, he's going to report it.  
 8 Q. And when you say "report it,"  
 9 what would it be that Mr. Gillette would be  
 10 reporting --  
 11 MS. KALE: Objection.  
 12 Q. -- if you know?  
 13 A. That staff is concerned about  
 14 themselves.  
 15 Q. Okay.  
 16 A. That they are afraid to go to  
 17 work.  
 18 Q. And not talking about anyone  
 19 else's reasons for having those feelings, do  
 20 you, yourself, hold those same feelings with  
 21 regards to thinking that Edmund Bryan will  
 22 come in to work one day and kill everybody, do  
 23 you have those feelings?  
 24 A. Well, there are times -- well, he  
 25 hasn't done anything to me so I'm not judging

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1 M. Ruiz  
 2 the guy. I can't -- I don't know what he's  
 3 capable of doing, so I'm going to leave that  
 4 question blank because I'm not sure what he  
 5 would do.  
 6 Q. So you are going to say no, you  
 7 don't have those feelings?  
 8 MS. KALE: Objection.  
 9 A. Like I said, I don't know what  
 10 he's capable of doing.  
 11 Q. Okay. Have you ever had any  
 12 falling-outs or disagreements with Edmund  
 13 Bryan?  
 14 A. No.  
 15 Q. Have you ever witnessed him  
 16 getting into any sort of verbal altercations  
 17 or arguments with other co-workers?  
 18 A. No, I mean the only person that  
 19 he interfered with was Efrain, I believe.  
 20 Q. Have you ever witnessed --  
 21 A. Witnessed, no.  
 22 Q. Because your knowledge about that  
 23 incident with Efrain was secondhand?  
 24 A. Yes.  
 25 Q. And that's what you heard from

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1 M. Ruiz  
 2 Efrain, correct?  
 3 A. Yes.  
 4 Q. You never spoke to Edmund about  
 5 whether any of that was correct?  
 6 MS. KALE: Objection.  
 7 A. Correct.  
 8 Q. Correct, right?  
 9 A. Yes.  
 10 Q. Are you familiar with any of the  
 11 circumstances related to why John Meggs is no  
 12 longer at Memorial Sloan-Kettering?  
 13 A. No.  
 14 Q. You don't know anything about why  
 15 John Meggs is no longer there?  
 16 A. No.  
 17 MR. SCOTT: Just give me one  
 18 second.  
 19 Off the record.  
 20 (Discussion off the record.)  
 21 MR. SCOTT: We're just about  
 22 done.  
 23 Q. Mr. Ruiz, do you recall being  
 24 interviewed by Sheila Donoghue in March of  
 25 last year related to a complaint that Edmund